

HOUSE No. 3936

By Mr. Turkington of Falmouth, petition of Eric Turkington and others for legislation to provide access for certain workers, including artists, for health care insurance. Financial Services.

The Commonwealth of Massachusetts

PETITION OF:

Eric Turkington	John W. Scibak
Sarah K. Peake	Christine E. Canavan
Peter V. Kocot	Kay Khan
Todd M. Smola	Mary E. Grant
Carl M. Sciortino, Jr.	John A. Hart, Jr.

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO MASSACHUSETTS ARTISTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Summary. Chapter 58 of the Acts of 2006, An Act
2 Providing Access to Affordable, Quality, Accountable Health Care,
3 is hereby amended to improve access to affordable health insurance
4 for self-employed people, independent contractors, working artists,
5 part-time workers, and workers who work part-time jobs and engage
6 in a self-employed enterprise, also known as combined income indi-
7 viduals. This Act will increase eligibility for the Insurance Partner-
8 ship for both employers and individuals; require small employers to
9 offer a Section 125 Cafeteria Plan; provide the self-employed more
10 support in accessing the most affordable insurance option; and
11 require an in-depth analysis of combined income individuals to
12 determine the impact on their eligibility for assistance.

1 SECTION 2. Employer Eligibility for the Insurance Partnership.
2 Section 9C of Chapter 118E, subsection 1, is hereby amended by
3 replacing subsection (iv) after the word 65 with the following lan-
4 guage:— (iv) the division will amend existing regulation 130 CMR
5 650.000 to make eligible those employers that have provided

6 employees with access to health insurance six-months prior to their
7 application to the Insurance Partnership, provided the employer
8 meets all other existing eligibility requirements under Chapter 118E,
9 Section 9C.

1 SECTION 3. Simplify the Use of Pre-Tax Dollars for Small Busi-
2 ness Employees.

3 Any employer with the equivalent total of five full-time
4 employees, as defined in the provisions of Chapter 58, must estab-
5 lish a Section 125 cafeteria plan; and, further comply with the Health
6 Insurance Responsibility Disclosure provisions of Chapter 58.
7 Section 2 of Chapter 151F is hereby amended by changing “10” to
8 “5 or more” after the words “more than.” Section 6c of Chapter
9 118G is hereby amended to insert the following language after the
10 words “every employer” “with 5 employees or more.”

1 SECTION 4. Definition of “Eligible Employee”. Section 9C of
2 Chapter 118E, subsection 1 (as amended by 2006, 58, Sec. 19) under
3 the definition of “Eligible Employee”, is hereby amended by striking
4 subsection (iv) in its entirety.

1 SECTION 5. Section 9C of Chapter 118E, subsection 1 (as
2 amended by 2006, 58, Sec. 19) under the definition of “Eligible
3 Employee”, subsection (v), is hereby amended to change the words
4 “300 per cent of the Federal Poverty Level” to “400 per cent of the
5 Federal Poverty Level” after the words “does not exceed.”

1 SECTION 6. Determining “Income” for Combined Part-Time and
2 Self-Employed Individuals. The Department of Revenue is hereby
3 directed to conduct a study of individuals filing tax returns with mul-
4 tiple sources of income including part-time employment and income
5 from independent contractors and self-employment. The Department
6 of Revenue will also assess the methodology for calculating
7 Adjusted Gross Income for such individuals in order to promulgate
8 regulations that accurately reflects their income, giving special con-
9 sideration to the expenses associated with the creation of art,
10 learning new skills associated with professional work, inventing new
11 products or processes for commercial purposes, or other professional
12 pursuits from which the individual does not derive a majority or any

13 of their overall income. The Department of Revenue will report their
14 findings to the Joint Committee on Health Care Financing, the Con-
15 nector Board, the Joint Committee on Tourism, Arts, and Cultural
16 Development and the House and Senate Committees on Ways and
17 Means no later than 120 days after enactment by the General Court.

1 SECTION 7. Eliminating the Self-employment Penalty. Amend
2 Section 9C of chapter 118E, subsection 1, by adding the following
3 language after the words “eligible employer”:— nothing in this
4 section shall exclude a self-employed single individual or self-
5 employed husband and wife from eligibility for programs under
6 Chapter 118H, provided that all other eligibility criteria have been
7 met in accordance with the definitions in Chapter 118E as amended.